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Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
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O 021511Z AUG 78
FM AMEMBASSY BELGRADE
TO SECSTATE WASHDC IMMEDIATE 7474

C O N F I D E N T I A L SECTION 1 OF 2 BELGRADE 5657

E. O. 11652: GDS
TAGS: PFOR, CASC, YO
SUBJ: PROBLEM OF DUAL NATIONALS AND MILITARY SERVICE IN
YUGOSLAVIA

1. SUMMARY. AMBASSADOR SOUGHT OPPORTUNITY TO INFORM SENIOR FSFA OFFICIAL OF HIS THOUGHTS ON CONTINUING PROBLEM CAUSED BY MILITARY INDUCTION OF SOME U.S.-YUGOSLAV DUAL NATIONALS, ASSURING FSFA OFFICIAL THAT THIS WAS A PERSONAL APPROACH, NOT RPT NOT UNDER INSTRUCTIONS FROM WASHINGTON, NOR WAS HE ADDRESSING THE DIFFERENCES IN VIEWPOINT OF THIS MATTER BETWEEN THE TWO GOVERNMENTS. THE AMBASSADOR POINTED OUT THE CONTINUING NATURE AND POTENTIALLY DETRIMENTAL CONSEQUENCES TO OUR BILATERAL RELATIONS OF THESE INDUCTIONS WHICH, HE NOTED, APPEARED TO HAVE INCREASED IN FREQUENCY OVER THE PAST 6 MONTHS. THE AMBASSADOR STRESSED HIS DESIRE FOR AND EFFORTS TOWARD IMPROVING OUR BILATERAL RELATIONS, BUT ADDED THAT HE ALSO HAD A DUTY TO U.S. CITIZENS. CONSEQUENTLY, HE WISHED TO INFORM THE YUGOSLAV GOVERNMENT THAT HE WAS CONSIDERING WARNING DRAFT-AGE DUAL NATIONALS OF YUGOSLAV ORIGIN BY LETTERS TO MAJOR SERBO-CROATION NEWSPAPERS IN U.S. THE AMBASSADOR NOTED THAT HE HAD DISCUSSED THE PROBLEM OF TIMELY WARNING WITH SFRY AMBASSADOR TO THE U.S. DIMCE BELOVSKI, AND WOULD WELCOME FURTHER SUGGESTIONS FROM HIM OR OTHERS ON HOW BEST TO INFORM
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U.S.-YUGOSLAV DUAL NATIONALS OF THE MILITARY OBLIGATION THEY MAY FACE UPON RETURNING TO YUGOSLAVIA. FSFA OFFICIAL OBSERVED THAT YUGOSLAVIA HAS ITS OWN LAWS AND REGULATIONS, BUT CERTAINLY IT WOULD BE DESIRABLE TO IMPROVE THE INFORMATION AVAILABLE TO VISITORS SO THAT THEY WOULD RETURN TO YUGOSLAVIA IN FULL KNOWLEDGE OF THE POSSIBLE OBLIGATION. HE STATED THAT IN HIS OPINION THERE WERE FAR WEIGHTIER PROBLEMS AND THE U.S. SHOULD

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NOT ALLOW SUCH A SMALL ISSUE TO INTERFERE WITH THE FURTHER IMPROVEMENT IN BILATERAL RELATIONS. END SUMMARY.

2. AMBASSADOR REQUESTED A MEETING AUGUST 1 WITH FSFA ASSISTANT SECRETARY FOR PROTECTION OF THE SFRY, ITS CITIZENS AND LEGAL ENTITIES ABROAD, REDZEP DZIHA, TO DISCUSS AN ASPECT OF THE DUAL-NATIONAL PROBLEM.

3. AMBASSADOR BEGAN BY NOTING THAT HE CAME ON HIS OWN INITIATIVE AND REQUESTED THAT HIS VISIT BE CONSIDERED UN-OFFICIAL--TO THE EXTENT IT REALISTICALLY COULD. HE HAD WORKED HARD, HE SAID, FOR THE IMPROVEMENT OF BILATERAL RELATIONS AND THERE HAVE BEEN SOME SUCCESSES. HOWEVER, ONE OF OUR REMAINING PROBLEMS RELATES TO THE PROBLEM OF DUAL NATIONALITY. THIS ISSUE CARRIES WITH IT THE CONSTANT DANGER OF UPSETTING THE IMPROVEMENT IN RELATIONS BETWEEN US. THIS HE DID NOT WANT. MOREOVER, THE U.S. AMBASSADOR OWES A DUTY TO ALL AMERICAN CITIZENS TO ACT TO PROTECT THEIR INTERESTS. HE EMPHASIZED THAT HE HAD NO WISH TO ARGUE ABOUT THE YUGOSLAV VIEW OF CITIZENSHIP. OUR VIEWS ARE DIFFERENT AND WE MUST LEARN TO ACCEPT AND LIVE WITH THIS DIFFERENCE. THE SUBJECT WAS THUS NOT RELATED TO THE LAWS AND CONSTITUTION, NOR IN ANY WAY MEANT TO CHALLENGE YUGOSLAV RIGHT TO DECIDE WHOM IT CONSIDERS A CITIZEN. RATHER HIS OBJECTIVE WAS TO FIND NON-LEGAL WAYS TO A SOLUTION.

4. THUS FAR IN 1978 THERE HAVE BEEN FIVE CASES OF DUAL
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NATIONALS WHO CAME TO YUGOSLAVIA AND HAVE BEEN DRAFTED OR HAVE FORCED THE EMBASSY TO TAKE EXTREME MEASURES IN DEALING WITH YUGOSLAV GOVERNMENT TO OBTAIN PERMISSION FOR THEM TO LEAVE THE COUNTRY SO THEY WOULD NOT BE DRAFTED. IN ONE INSTANCE A MAN WAS DRAFTED AND WAS DISCHARGED AND ALLOWED TO LEAVE THE COUNTRY ONLY AFTER APPEAL WAS MADE TO THE HIGHEST LEVELS OF THE YUGOSLAV GOVERNMENT. IN ANOTHER CASE IT WAS NECESSARY TO INVOLVE UNDERSECRETARY LONCAR PERSONALLY TO SEE THAT THE INDIVIDUAL WAS NOT DRAFTED AND PERMITTED TO LEAVE THE COUNTRY. BOTH LONCAR AND AMB HAVE BETTER THINGS TO DO WITH THEIR TIME THAN TO DEAL WITH THESE CASES. THERE-FOR IT IS NECESSARY TO FIND A WAY OF WARNING DUAL NATIONALS SO THAT THEY FULLY UNDERSTAND BEFORE THEY ARRIVE WHAT THEIR OBLIGATIONS MAY BE UNDER YUGOSLAV LAW. AMBASSADOR EXPLAINED THAT U.S. PASSPORT OFFICE HAS BEEN REQUESTED TO INSERT NOTE IN NEWLY ISSUED PASSPORTS WARNING THAT DUAL NATIONALS MAY BE SUBJECT TO DRAFT WHEN THEY ENTER YUGOSLAVIA, BUT THIS HAS NOT WORKED. NOT LONG AGO THE MATTER WAS DISCUSSED WITH AMB BELOVSKI, WHO IS ALSO CONCERNED, AND HE MENTIONED THE POSSIBILITY OF THE YUGOSLAV EMBASSY OR CONSULATES WARNING VISA APPLICANTS. WHETHER THIS IS DONE IS BUSINESS OF YUGOSLAV GOVERNMENT, BUT THE FACT IS THAT A SOLUTION MUST BE FOUND. AMBASSSADOR SAID HE

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WAS NOW CONSIDERING, AS MEANS TO PREVENT PROBLEM FROM ARISING,
TO BE IN CONTACT WITH AS MANY AMERICAN CITIZENS OF YUGOSLAV
ORIGIN IN THE U.S. AS POSSIBLE, WARNING THEM OF THE POTENTIAL
DIFFICULTIES THEY MAY FACE. HE IS GIVING SERIOUS CONSIDERATION
TO WRITING PERSONAL LETTERS TO THE EDITORS OF MAJOR SERBO-
CROATION NEWSPAPERS IN THE U.S. AND ASKING THAT THEY BE
PRINTED. THESE LETTERS WOULD BE CONFINED TO A STATEMENT OF
DIFFERENCES IN YUGOSLAV AND AMERICAN VIEW OF CITIZENSHIP,
COMBINED WITH EXPLANATION OF THE YUGOSLAV DRAFT LAW AND A
REQUEST THAT PEOPLE WHO ARE OF DRAFT AGE NOT COME TO YUGOSLAVIA
WITHOUT BEING AWARE THAT THEY RUN RISKS OF BEING DRAFTED. THE
LETTER WOULD NOT, IN ANY WAY, SAY THEY SHOULD OR SHOULD NOT
COME. IT IS SIMPLY A WAY TO REACH AS MANY PEOPLE AS POSSIBLE.
FURTHER, IT IS A STEP WHICH HE DID NOT WISH TO TAKE WITHOUT
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INFORMING GOY FIRST. THE AMBASSADOR STRESSED THAT THIS WAS
NOT MEANT AS A PROVOCATION NOR AS AN INSULT, NOR AS PRESSUE.
HE NOTED ONCE AGAIN THAT HE HAD SOUGHT AND CONTINUED TO SEEK
IMPROVEMENT IN OUR BILATERAL RELATIONS. IT WAS BECAUSE OF THIS
THAT HE FELT RESPONSIBLE TO TAKE STEPS TO RESOLVE THIS POTENTIALLY
SERIOUS PROBLEM. EVERY TIME A MAN IS DRAFTED HIS FAMILY GOES
TO THEIR CONGRESSMAN OR SENATOR, WHICH NOT ONLY CAUSES THE
MEMBER OF CONGRESS TO RAISE HELL WITH STATE DEPARTMENT AND THE
AMBASSADOR PERSONALLY BUT ALSO AFFECTS HIS ATTITUDE TOWARD
YUGOSLAVIA. THUS, THOUGH THIS IS ADMITTEDLY NOT A MASSIVE
PROBLEM, IT IS ONE THAT ALWAYS CARRIES WITH IT THE POTENTIAL
FOR UPSETTING EVERYTHING THE YUGOSLAV GOVERNMENT AND THE CARTER
ADMINISTRATION HAVE DONE TO IMPROVE RELATIONS. THE AMBASSADOR
ENDED BY NOTING THAT HE DID NOT EXPECT A REPLY, HIS VISIT WAS
TO INFORM GOY OF HIS PRESENT THOUGHTS ON SUBJECT.

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INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
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5. DZIHA RESPONDED BY OBSERVING THAT YUGOSLAV GOVERNMENT HAD EXPLAINED ITS POSITION SEVERAL TIMES TO EMBASSY ON THE LEGAL SITUATION ARISING OUT OF CONSTITUTION AND HAGUE CONVENTION. ACCORDING TO YUGOSLAV LAWS THERE COULD NOT BE TWO TYPES OF CITIZENS. HOWEVER, POSSIBILITIES EXIST TO SOLVE THIS PARTICULAR PROBLEM. IN MOST CASES THE GOY HAS ACCOMMODATED THE EMBASSY WHEN IT HAS INTERCEDED. HOWEVER, FURTHER EFFORTS TO FIND METHODS OF AMELIORATING THE PRESENT SITUATION MAY BE USEFUL FROM BOTH YUGOSLAV AND AMERICAN SIDE. A WARNING THAT A YUGOSLAV CITIZEN MUST EXPECT THAT HE MAY BE OBLIGED TO SERVE IN MILITARY COULD POSSIBLY CONTRIBUTE TO MORE SUCCESSFUL SOLUTION OF THE PROBLEM. ONCE INDIVIDUALS UNDERSTAND THEIR RESPONSIBILITIES, THEN THEY ARE PERSONALLY RESPONSIBLE FOR THE CONSEQUENCES. THE CONCERN OF THE AMBASSADOR IS FULLY UNDERSTOOD, BUT OF COURSE YUGOSLAVS MUST CONSIDER THEIR OWN LAWS AND REGULATIONS WHICH THE FSFA CANNOT CHANGE. DZIHA OBSERVED THAT US-YUGOSLAV RELATIONS HAD IMPROVED, AS WAS EVIDENCED BY THE VISITS OF PRESIDENT TITO AND ASSEMBLY PRESIDENT MARKOVIC. HE AGREED THAT IT WOULD NOT BE GOOD SHOULD THIS SITUATION CHANGE. CONCERNING THE LETTERS, HE COULD NOT TELL AMBASSADOR WHAT TO DO; THAT IS AMBASSADOR'S AFFAIR. BUT A LETTER SUCH AS HE DESCRIBED COULD HAMPER FURTHER DEVELOPMENT OF RELATIONS BETWEEN OUR TWO COUNTRIES. OUR GENERAL RELATION-SHIP SHOULD NOT BE HARMED BY A "COUPLE OF CASES."
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THERE ARE FAR MORE SIGNIFICANT PROBLEMS THAN THESE.

6. THE AMBASSADOR REITERATED THAT HE DID NOT SEEK TO CHALLENGE YUGOSLAV CONSTITUTION, OR THEIR POSITION IN INTERNATIONAL LAW. OUR VIEWS ARE DIFFERENT AND WE MUST LIVE WITH THIS. BUT WHILE IT IS TRUE THAT MOST--NOT ALL--CASES HAVE BEEN SATISFACTORILY RESOLVED, THIS HAS BEEN THE RESULT OF EXTRAORDINARY MEASURES BY THE EMBASSY AND SENIOR GOY OFFICIALS. HE DID NOT LIKE TO BE FORCED TO ASK GOY TO MAKE EXCEPTIONS. AMBASSADOR AGREED THAT THE DECISION TO COME TO YUGOSLAVIA IS THE DUAL NATIONAL'S PERSONAL RESPONSIBILITY, SO LONG AS WE CAN BE CONFIDENT HE HAS BEEN WARNED OF THE POSSIBLE CONSEQUENCES. BUT THE QUESTION IS HOW TO ENSURE THAT ALL POSSIBLE HAS BEEN DONE TO SEE THAT THEY HAVE BEEN WARNED. ADMITTEDLY, SUCH A CAREFULLY DRAFTED LETTER WILL NOT HELP OUR RELATIONS, BUT EMBASSY IS CAUGHT BETWEEN DEVIL AND THE DEEP BLUE SEA AND MUST SEEK LEAST DAMAGING ALTERNATIVE.

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7. DZIHA STATED THAT HE PERSONALLY DID NOT FEEL THAT THIS PROBLEM WAS CRUCIAL FOR THE IMPROVEMENT OF OUR RELATIONS. WE HAVE FOUND A COMMON LANGUAGE ON MORE DIFFICULT PROBLEMS. HE OBSERVED THAT HE DIDN'T WISH TO DENY WHAT THE AMBASSADOR HAD SAID, BUT THE FEW CASES THAT HAVE ARISEN DO NOT NEED TO BE THE CAUSE OF WORSENING RELATIONS. HE EMPHASIZED THAT IT HAS BEEN ARDUOUS TO REACH THIS LEVEL IN OUR RELATIONS AND THE PEAK HAS NOT YET BEEN ACHIEVED. THE PROBLEM HE UNDERSTANDS, AND ACCEPTS THAT IT CAN THROW A SMALL SHADOW. BUT IT IS BASICALLY UN-IMPORTANT. DZIHA CONCLUDED BY PROMISING HE WOULD PASS ON SUBSTANCE OF AMBASSADOR'S COMMENTS TO HIS SUPERIORS.

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